

David M. Wirtz (9777)
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
Flextronics America, LLC
885 Third Avenue
16th Floor
New York, NY 10022-4834
212-583-9600

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dennis Tyson, individually and on behalf of others
similarly situated,

Plaintiff,

-against-

Flextronic Inc.,

Defendant.

Case No. 08 Civ. 4219 (WCC)

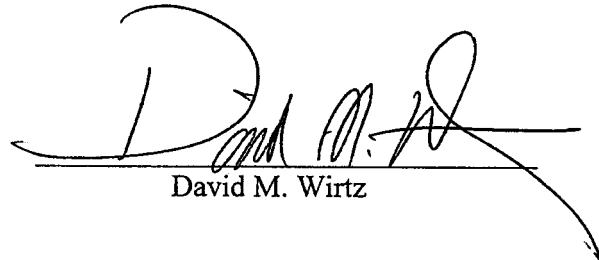
**AFFIRMATION OF DAVID M. WIRTZ
IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
FIRST CAUSE OF ACTION AS MOOT**

David M. Wirtz, an attorney duly admitted to practice before this Court, hereby affirms
under the penalties of perjury as follows:

1. I am a shareholder at the firm Littler Mendelson, P.C., attorneys for Defendant Flextronics America, LLC. I submit this affirmation in support of Defendant's Motion to Dismiss Plaintiff's First Cause of Action as Moot.
2. Attached hereto as Exhibit "A" is a true and correct copy of the Offer of Judgment pursuant to Federal Rule of Civil Procedure 68, together with an Affidavit of Service, which Offer was served upon Robert David Goodstein as counsel for Plaintiff Dennis Tyson on June 10, 2008.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 2, 2008.



David M. Wirtz

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----)	
DENNIS TYSON,)
Individually and on behalf of others)
similarly situated,)
)
Plaintiff,)
)
)
against)
)
FLEXTRONIC INC.,)
)
Defendant.)
-----)	

Case No. 08-Civ-4219 (WCC)

DEFENDANT'S OFFER OF JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 68

Defendant Flextronics America, LLC, by and through its attorneys, Littler Mendelson, P.C., and pursuant to Federal Rule of Civil Procedure 68, hereby offers to Plaintiff Dennis Tyson, individually, to have judgment entered against Flextronics in this action in the form of the following award to Tyson:

1. Defendant will pay Plaintiff Tyson a lump-sum payment in the amount of Six Thousand Five Hundred Dollars and no/100 cents (\$6,500.00), plus reasonable attorney's fees and costs to be determined by the Court in full satisfaction of Plaintiff Tyson's claims against Defendant as set forth in the complaint in this action. This amount includes all that Tyson could possibly recover in money damages based on the claims in the complaint (*i.e.*, all claims for unpaid regular back wages, unpaid overtime back wages, liquidated damages, prejudgment interest, costs, penalties, and all other compensatory damages to the extent allowable under the federal Fair Labor Standards Act and the New York Labor Law).

This Offer of Judgment ("Offer") is made solely for the purposes specified in Rule 68 to resolve the matter without the need to actually litigate the issues raised by the complaint, and it is not, nor should it be construed as, an admission of any kind.

2. For Plaintiff Tyson to accept Defendant's offer, he must serve written notice of acceptance upon Defendant within ten (10) days after service of this Offer of Judgment. In accordance with Federal Rule of Civil Procedure 68, an offer not accepted within the specified period for acceptance will be deemed withdrawn.

Respectfully submitted this 10th day of June, 2008.

FLEXTRONICS AMERICA, LLC

By: 

David M. Wirtz

LITTLER MENDELSON, P.C.

885 Third Avenue

16th Floor

New York, NY 10022

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----)
DENNIS TYSON,)
Individually and on behalf of others)
similarly situated,)

Plaintiff,)

against)

FLEXTRONIC INC.,)

Defendant.)
-----)

Case No. 08-Civ-4219 (WCC)

**PLAINTIFF DENNIS TYSON'S ACCEPTANCE OF DEFENDANT'S OFFER OF
JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 68**

Plaintiff Dennis Tyson hereby accepts Defendant Flextronics America, LLC's Offer of Judgment Pursuant to Federal Rule of Civil Procedure 68 of a total sum of Six Thousand Five Hundred Dollars and no/100 cents (\$6,500.00), plus reasonable attorney's fees and costs to be determined by the Court.

Submitted this ____ day of June, 2008.

Plaintiff, by his attorneys, hereby accepts the foregoing Offer of Judgment.

By: _____

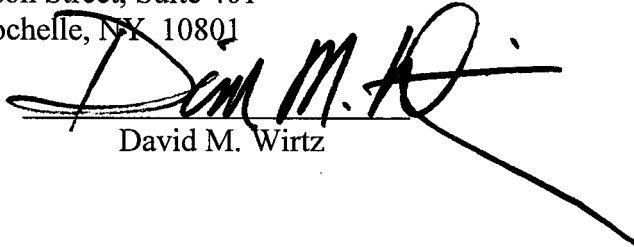
Counsel for Plaintiff

Robert David Goodstein
56 Harrison Street, Suite 401
New Rochelle, NY 10801

CERTIFICATE OF SERVICE

I, David M. Wirtz, an attorney, hereby certify that I caused a copy of the foregoing Defendant's Offer of Judgment to be served via Certified U.S. Mail, First Class, Return Receipt Requested, on June 10, 2008:

Robert David Goodstein
Attorney for Plaintiff
56 Harrison Street, Suite 401
New Rochelle, NY 10801



David M. Wirtz